

November 18, 1975

CONGRESSIONAL RECORD—SENATE

S 20267

STAT

chief of security services for the Prince Georges County public schools. Its primary goal is to involve students in the improvement and operation of security activities within the school. Workshops and small discussion groups are held where students are asked to identify security problems and suggest and evaluate particular school measures. By being immersed in this process, students have become far more aware of their own responsibilities in the school, and the school officials have gained a greater appreciation of the students' views on disciplinary problems.

I believe that the Prince Georges program represents an enlightened approach to a most perplexing issue: The appropriate role that security forces should play in our schools. It also serves to illustrate that security forces in our schools need not be viewed with suspicion and distrust. Nevertheless, the use of increased and more modernized security forces can not be considered a panacea for the violence plaguing our schools.

With Federal, State and local officials all playing a more active part in the effort to improve the school environment, we ought not to overlook the key role the Supreme Court has played recently in the area of discipline in our public schools. In January of this year, the Court decided *Goss v. Lopez*, where it was held in a controversial 5-4 decision that public school students cannot be temporarily suspended from schools unless they are at least given oral or written notice of the charges against them. If these accusations are denied by the pupil, the authorities must give an explanation of the evidence they have and the student must be given an opportunity to relate his side of the story. In many ways, the *Goss* decision is an important step forward in the attempt to eliminate the often unfair and arbitrary imposition of suspensions. For the first time, the courts have served notice that rudimentary due process applies to school suspension proceedings and that school officials' failure to adhere to such constitutional safeguards will result in the judicial review of their actions.

The groundwork for this decision may well have been laid only eight years earlier, when the Supreme Court in *Tinker* recognized that students do not abandon their constitutional rights at the schoolhouse gate. Rather the Court noted in *Tinker*:

In our system, State operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students, in schools as well as out, are "persons" under the Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved.

What we have seen in those eight years is a revolution—a revolution in which students, who for years were considered to be subject to the near absolute rule of teacher and administrator alike, fought and often won many battles, including the right to run school newspapers, to dress as they wished within reasonable limits, and to engage in peaceful, non-disruptive demonstrations on school premises.

For these reasons, Supreme Court decisions such as *Tinker* and *Goss* can be seen as heartening developments. But they also represent a distressing sign, which we can ill afford to ignore if we have any long-range hope for a public school system which truly educates and sensitizes our children.

What is most distressing is the very fact that these kinds of disputes became so large-scale and widespread that Supreme Court review was ultimately necessary at all.

Let there be no mistake about it: No amount of Federal intervention—by statute or Supreme Court decision—can offer a satisfactory substitute for the active, concerned and cooperative involvement in our schools at the most local level: by students, teachers, administrators and parents alike.

This last group—the parents—may in fact represent the most important of all. Their involvement may not be easy to generate in light of the apparently growing tendency to view the school as a depository for their children. A depository which allows parents to divorce themselves from their offspring every weekday, thereby relinquishing complete and total responsibility for the educational growth of their children to the school personnel. I fear that this conception of the role of the school in our society is far too widespread.

What is needed is a rekindling of the spirit that prompted parents in the past to interject themselves into the affairs of their children's life. Greatly obscured now is the fact that long before *Tinker* established the rights of children in school, the rights of parents in the education area were clearly recognized.

Fifty years ago, the Supreme Court declared that the parents of schoolchildren had a vested interest in the manner in which their children were educated. In doing so, it ruled that parents have the right to choose whether their children should attend private or public educational institutions. Moreover, only three years ago, the court upheld the right of Amish parents to remove their children from public school since such attendance conflicted with their religious beliefs. In its opinion, the Court stated:

This case involves the fundamental interest of parents, as contrasted with those of the State, to guide the religious future and education of their children. The history and culture of western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition. *Wisconsin v. Yoder* (1972)

It is all well and good for the Court to have uttered these wise words; but it is up to all of us as parents to put them into practice. And it is up to those of us in Congress to exercise a restrained and responsible hand in our efforts to create programs to solve problems originating in the home and classroom.

I remain convinced that the effort to restore tranquility to our schools will continue to depend on the Federal Government playing any indirect, limited, yet important role through funding State-run programs aimed at aiding our school children. Indeed, the Federal involvement in aid to education, illustrated more recently by the now that the northwest ordinance was enacted and provided that certain portions of the encompassed land be set aside for educational purposes.

Throughout the years, the Federal Government has maintained its active role in education, illustrated more recently by the now historic Elementary and Secondary Education Act, which was enacted in response to the shocking evidence that millions of American school children—mostly in low income families—were lagging in essential skills.

I am sure I am not alone, however, in sharing the apprehension of many that the Federal Government must not plunge in to fill every vacuum that appears, by seeking to play a direct role in the day-to-day operations of schools, thereby usurping the proper role of parents, students and school officials. With this concern in mind, I hope that the Federal Government will continue to play an important and, above all, worthy role in the education of our children.

## — THE BUSH NOMINATION

Mr. CHURCH. Mr. President, on November 13, 1975, the New York Times editorialized on the need for the Senate "to insist upon political neutrality and disinterested independence as standard in confirming any new nominee to head the CIA."

The Times pointed out that Mr. George Bush fails to meet these standards. And the Times puts it:

A former chairman of the Republican National Committee, twice defeated as a candidate for the Senate, and still an aspirant for the Vice Presidency next year and for other political office in the future, Mr. Bush would bring the wrong interests and ambitions to this sensitive and demanding position, even though he might well serve in some other Cabinet-level post.

I ask unanimous consent that the entire next of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE BUSH NOMINATION

The nation needs an intelligence agency that is professionally competent, recognizes its limited role within a democratic society governed by law, and has civilian leadership of intellectual integrity and independence.

The Central Intelligence Agency has been shown to have fallen on occasion far below such standards; but, in a world in which several other nations possess the military capacity to inflict grievous damage on the United States, it would be reckless for this country in a spasm of righteousness to downgrade or dispense altogether with its intelligence service.

Senator Frank Church, Idaho Democrat and chairman of the Senate Select Committee on Intelligence Activities, reminded his colleagues in a thoughtful speech the other day of the constructive services that the C.I.A. has performed in the last quarter-century. During that time, for example, it has provided the nation's leadership with accurate and timely information about the development of every important new Soviet weapons system from the H-bomb to the most recent missiles.

This civilian monitoring of Soviet military developments is essential—and should be of particular concern to liberal critics of the agency—since if the C.I.A. did not exist, this intelligence function would pass wholly under the control of the Defense Department. Unlike the armed forces, the C.I.A. has no inherent institutional tendencies to justify larger military budgets, new weapons systems, or additional overseas bases.

Despite the scandals and mistakes in the agency's past, and there has been plenty, Senator Church believes that "the prospects for starting afresh are good and I have viewed the chances to restore public trust and confidence in the C.I.A. with considerable optimism."

It is against this background that Senator Church raises a warning flag against President Ford's nomination of George Bush as C.I.A. director. A former chairman of the Republican National Committee, twice defeated as a candidate for the Senate, and still an aspirant for the Vice-Presidency next year and for other political office in the future, Mr. Bush would bring the wrong interests and ambitions to this sensitive and demanding position, even though he might well serve in some other Cabinet-level post.

Senator Church urges his colleagues to insist upon political neutrality and disinterested independence as standards in confirming a nominee to head the C.I.A. These are criteria that the Senate should surely apply in deciding on Mr. Bush's nomination.